



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/012,674 01/23/98 PRATER

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WM02/0328

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EXAMINER

SEALEY, L

ART UNIT

PAPER NUMBER

2671

DATE MAILED: 03/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory ActionApplication No.
09/012,674Applicant(s)
PraterExaminer
Lance SealeyGroup Art Unit
2671

THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires three months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Mar 22, 2001 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☒ The proposed amendment(s):
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☒ will not be entered because:
- ☒ they raise new issues that would require further consideration and/or search. (See note below).
- ☐ they raise the issue of new matter. (See note below).
- ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal. (SEE ATTACHED "RESPONSE TO REMARKS" FOR REASONS.)
- ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: THE NEW ISSUES INCLUDE: CHANGING "PLURALITY OF POINT LIGHT SOURCES" TO "A POINT LIGHT SOURCE" CHANGES THE SCOPE OF THE CLAIMS REQUIRING FURTHER CONSIDERATION AND/OR SEARCH.

- ☐ Applicant's response has overcome the following rejection(s):

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: None

Claims objected to: None

Claims rejected: 1-10

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Other

Mark Zimmerman
MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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Response to Remarks

The applicant's assertions concern the two independent claims 1 and 7. With respect to claim 1, the applicant asserts that Nishita et al., "Continuous Tone Representation of Three-Dimensional Objects Illuminated by Sky Light" ("Nishita") does not teach or suggest taking into account the size or position of the finite light source.

Nishita, in the calculation of sky light, divides the sky light into bands. The unit of light equivalent to applicant's "finite light source" is the visible part of the band that is used to make the lighting calculations. This "visible part of the band" is defined beginning with the sentence marked (3) in the third paragraph of the second column of p.126 until the next-to-the-last line of the column. Section 3.3 further shows how the visible part of the band is used to calculate the illuminance of the sky light, and in step 2), the coordinates of the visible part of the bands are considered. Since such coordinates inherently define both size and position of the visible parts of the bands, both the size and the position of the finite light sources are being considered, and Nishita fulfills claim 1 as amended.

As for claim 7, Nishita may not teach constructing a plurality of light sources, but *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, 11; 549 F.2d 833 (7th Cir. 1977, "*St. Regis*") teaches that it is obvious to duplicate an element, such as creating a plurality of hemispherical light sources. Therefore, even if claim 1 had been allowable, claim 7 as amended could have been rejected as unpatentable under 35 U.S.C. 103(a) with a combination of Nishita, the Persistence of

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Vision(tm) Ray-Tracer software ("POV-Ray"), and *St. Regis*.

Accordingly, the Final Rejection rendered in Paper No. 13 still stands.